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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1996/21

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INTRODUCTION

A. Background

1. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was established for three years by the Commission on Human Rights by resolution 1993/20. By its decision 1993/258, the Economic and Social Council confirmed the mandate and assigned it to Mr. Maurice Glèlè-Ahanhanzo.

2. The Special Rapporteur submitted annual reports (E/CN.4/1994/66; E/CN.4/1995/78 and Add.1; E/CN.4/1996/72 and Add.1 to 4) to the Commission at its fiftieth, fifty-first and fifty-second sessions. Since 1994, the Commission has invited him to report to the General Assembly. He thus presented interim reports to the General Assembly at its forty-ninth and fiftieth sessions (A/49/677 and A/50/476).

3. At its fifty-second session the Commission, by resolution 1996/21, expressed its full support and appreciation for the Special Rapporteur's work and decided to extend his mandate for a period of three years so that he could examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia, against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on those matters on a yearly basis to the Commission, beginning at its fifty-third session, and to the General Assembly at its fifty-first session.

4. The Economic and Social Council having approved the renewal of the Special Rapporteur's mandate for three years by decision 1996/259, the Special Rapporteur submitted an interim report to the General Assembly at its fifty-first session (A/51/301).

5. This report supplements that submitted to the General Assembly, thereby providing a comprehensive response to the Commission's request as indicated in paragraph 2 above. It comprises four chapters followed by conclusions and recommendations: chapter I deals with the Special Rapporteur's activities in 1996; chapter II deals with manifestations of racism, racial discrimination and xenophobia; chapter III concerns action by Governments; and chapter IV covers communications on allegations of racism, racial discrimination and xenophobia.

6. The Special Rapporteur has received and made use of the information supplied by Governments and non-governmental organizations 1/ in response to the note verbale and letter sent to them by the Centre for Human Rights on 19 April 1996.

B. Working method

7. Before embarking on the various aspects of this report it should be explained that, since his mandate had remained essentially unchanged, there is no need to redefine the working methods and concepts which the Special Rapporteur has described at length in previous reports. 2/ The phenomena studied are also unchanging in their nature, causes and vectors. 3/

8. Still, some emphasis should be placed on the use of modern communications technology, including the Internet, as a vehicle for incitement to racial hatred and xenophobia against Arabs, Blacks and, in particular, Jews. Racist messages tend to proliferate on the worldwide computer network, the Internet, and as things currently stand no national legislation can check the spread. 4/ There has also been a resurgence of claims that the Nazi holocaust never took place, and of the theory that not all races are equal.

I. ACTIVITIES OF THE SPECIAL RAPPORTEUR IN 1996

A. Participation in the fifty-first session of the General Assembly

9. In his statement to the Third Committee, the Special Rapporteur emphasized that, worldwide, the question of racism and racial discrimination remains troubling and is crystallizing around the current immigration crisis. Increasingly restrictive and discriminatory legislation is encroaching on individuals' freedom of movement and residence and their right to live with their families. Furthermore, racist ideology is being spread using the most up-to-date information technologies, and racist violence is manifesting itself in arson at places of worship and in the desecration of ethnic minorities' cemeteries.

10. The delegation of Singapore bitterly attacked the Special Rapporteur for the way he described the discrimination that migrant workers in some Asiatic countries suffer, while stating that "Singapore has very strict laws. Some may even call them harsh laws ...". As regards the sentencing to death and execution in 1995 of Flor Contemplación, a housemaid in Singapore, 5/ the representative of Singapore stated that "there is an elementary factual error. Flor Contemplación was never accused of murdering her employer. She was charged, tried and convicted of murdering a fellow Filipina, another domestic servant and her ward, a four-year-old Singapore boy". He added that "while relations between the Philippines and Singapore did deteriorate for a period from March 1995 after the execution of Flor Contemplación, the matter did not end there. Relations between the two countries were restored in the same year". The Special Rapporteur has taken note of this statement.

11. Such invective aside, the General Assembly once again expressed its support for the Special Rapporteur's work, requesting the Secretary-General to provide him, without any further delay, and like the other Special Rapporteurs, with all necessary human and financial assistance to enable him to carry out his mandate efficiently and diligently.

B. Missions to the field and sundry observations

12. The Special Rapporteur undertook two missions: first to Colombia, between 28 June and 15 July, and secondly to Kuwait, between 16 and 28 June 1996. The purpose of his mission to Colombia was to investigate the situation of the indigenous and Afro-Colombian population groups. His visit to Kuwait was concerned with the status of migrant workers, in particular domestic servants, and the Bidun - the people "without papers" or "without nationality". The reports on these two missions are available to the Commission (E/CN.4/1997/71/Add.1 and 2).

13. As indicated in his report to the General Assembly, it was the Special Rapporteur's intention to make observations on the detailed comments submitted to him by the Government of the United States of America concerning his mission to the country in 1994. He had taken care to consult non-governmental organizations and people he met during the mission, who provided him with information for his report. He would like to express his gratitude to the International Human Rights Association of American Minorities, Meiklejohn Civil Liberties Institute, Admiral Family Circle Islamic Community, University of San Francisco Law Clinic, Human Rights Advocates and the sociologist Mrs. Loretta Williams, who sent him detailed accounts confirming the substance of the matters related in his mission report.

14. The Government of the United States gave him to understand, however, that since it had not expressly asked him to publicize its comments, it would not be standard practice for him to do so. In any event, the reactions of the United States and the various comments made can be consulted at the Secretariat.

15. It remains true that racism and racial discrimination persist, structurally, economically, socially and culturally, in the United States, as demonstrated in the report Affirmative Action Review by Mr. George Stephanopoulos, Senior Adviser to the President for Policy and Strategy, dated 19 July 1995:

> "There has been undeniable progress in many areas. Nevertheless, the evidence is overwhelming that the problems affirmative action seeks to address - widespread discrimination and exclusion and their ripple effects - continue to exist ..." 6/

16. Mention also needs to be made of the recent Texaco affair, 7/ the fires in black community churches, police brutality in New York, 8/ the discriminatory application of the death penalty in the State of Georgia 9/ and incitements to racial hatred and anti-Semitism appearing on the Internet. 10/ The ratification by the United States of the International Convention on the Elimination of all Forms of Racial Discrimination is clearly a signal advance in the campaign against racism, xenophobia and anti-Semitism; but resistance is being put up in some quarters and there remains much to do to ensure that human dignity is respected.

II. CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

17. The various forms of racism, racial discrimination and xenophobia identified by the Special Rapporteur and considered by the Commission continued to manifest themselves in 1996. The salient facts are set out below.

A. Contributions by Governments and public bodies to action to combat racism

18. The Government of Cuba stated that:

"At the dawn of a new millennium we are all indignant witnesses to a rebirth and recrudescence of racist propaganda, incitement to ethnic hatred, and practices betraying feelings of racial and xenophobic superiority and exclusivity while at the same time extreme-rightist political organizations and neo-Nazi parties are emerging in developed societies and operating with complete impunity.

"Freedom of expression and association cannot continue to be used as a means of or pretext for fomenting or tolerating xenophobic hatred and violence: that would be an unacceptably biased and retrograde view of how expression should be given to human rights.

"Racism would appear to be a universal evil, but in the global context, one cannot but remark that it is at its most alarming and perfidious in the developed world. Strategies to combat racism must not lose sight of this fact if efforts are not to be dissipated and priorities muddled.

"When barriers are erected against immigrants, or deep cuts are made in welfare budgets, or programmes intended to encourage the social integration of minorities are dismantled, all with complete sang-froid and disdain for the human condition, and when the most basic rights to education and health denied to the children of immigrants, as Act No. 187 of the State of California in the United States would do, these practices are becoming institutionalized.

"Even as the Commission on Human Rights was in session, the entire world was shaken by dreadful pictures of the ill-treatment and beatings inflicted on a group of Mexican immigrants, including women and children, in the United States near the border between the two countries. But what we saw was not the whole story, because similar and worse incidents occur there almost every day with no indiscreet camera around to record them.

"The Special Rapporteur and the United Nations itself must take up the challenge, tackling the problem of eliminating racism and its side effects from the face of the Earth with renewed vigour and energy.

"Tireless efforts to attain the goals and objectives of the Third Decade to Combat Racism and Racial Discrimination are essential. Additional financing must also be made available for that purpose.

"Cuba therefore believes it vital for all parts of the United Nations which are involved in the programme to carry it out more determinedly; in that context, as we have said before, we believe that the efforts of the Special Rapporteur and the Commission on Human Rights are of the greatest importance.

"Cuba is broadly sympathetic to the desire to hold a world conference under United Nations auspices before the end of the century to consider contemporary forms of racism and racial discrimination and draw up effective strategies for opposing them. We hope your consultations on the matter will lead to the realization of this desire."

19. The Turkish Government is of the opinion that:

"Racism is one of the most serious problems affecting the contemporary world. People are being denied their basic rights; their houses, shops, mosques, churches and synagogues are burned to the ground; they are beaten up, maimed and even killed; and all this in the name of an evil we call racism, which does not leave its victims alone even after they die: the number of cemeteries that are being desecrated is growing at a worrisome pace.

"What is this evil phenomenon which has led to untold horrors in the past, and is still causing immense anguish and pain in today's relatively civilized world? Many explanations have been forwarded by differing circles. But there is one essential fact which we cannot afford to overlook: racism is a malignant state of mind whereby one human being despises and maltreats another one of his kind without any reason except physical difference. There is no conflict in the case of racism. Conflicts take place between at least two parties which compete for gaining advantage over a given material or moral stake. The stake may be land, or political power, or economic benefit, anything which brings about a certain advantage. But in racism there is no stake, let alone a competitive one. There is no relationship at all between the victim and the racist. There is only one party actively involved. The victims are not even aware of the sinister danger until they are victimized. They do not provoke or warrant the treatment they are given. It is worse: their very existence is a provocation for those whose minds are warped by racism.

"Racism is unilateral, and is not precipitated by any stake. Hence, the non-causal nature and the irrationality of racism on the one hand; and the innocence par excellence of the victim on the other hand. The irrationality of racism makes it even more dangerous because there is no logical cure which may be found. As such, racism is diametrically opposed to the basic tenets of human rights and civilization. It does not belong to the world we call our own.

"Therefore, racism must be combated with all available means. However, in order to effectively combat racism and ensure its eradication, we first need to elaborate a comprehensive diagnosis of the problem. In this context, we should first distinguish the visible manifestations of racism, from its more subtle forms. A recent study commissioned by the ILO on racial discrimination in the employment market constitutes a vivid example in this regard. Another feature of racism is its ability to successfully adapt to the changing environment. Suffice it to mention that in the contemporary world which emphasizes

human rights much more than before, racism has been able to present itself as a defender of human rights under the cloak of 'cultural relativism'. 11/

"Second, we must prove to be able to devise measures to combat the current manifestations of racism, as well as medium- and long-term plans to ensure that racism will be deprived of an environment where it can prosper and spread.

"In order to forge ahead with the foregoing, it is also vital to fully grasp what has been done so far and where we actually stand in our combat against racism.

"The United Nations system has been active, but not sufficiently effective, in the combat against racism. This is evidenced by the necessity felt to proclaim a third decade to combat racism and racial discrimination, which shows that the first two decades in this respect have not been able to eradicate this scourge.

"On the contrary, racism, racist violence, xenophobia and related intolerance have been steadily on the rise. This is indeed why a second and more practical mechanism to combat racism was established by the United Nations human rights system. When we examine the development which gave birth to the post of special rapporteur on racism, the first founding element we detect is the Secretary-General's report entitled: 'Measures to combat racism, racial discrimination, and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities'. The Government of Turkey believes that this report, contained in document E/CN.4/Sub.2/1992/11, lays down the basic guidelines to properly diagnose the contemporary forms of racism.

"It is against the background set by the contents of the above-mentioned report that it has been possible to establish a Commission on Human Rights special rapporteurship to deal with the question of racism. From the very beginning, Turkey has taken the lead in submitting the relevant resolutions to the Commission. It is a welcome development that, again on the initiative of Turkey, the Commission adopted resolution 1996/21, which provided for the extension of the Special Rapporteur's mandate for another three years.

"Nevertheless, we must also recognize that, ever since assuming his post, the Special Rapporteur has made it known that he is not endowed with the financial and personnel resources which the proper discharge of his duties require. The remarks made by the Special Rapporteur to this effect have been duly reflected in the relevant resolution adopted by the Commission, and complemented with appeals to the Secretary-General to remedy this situation. Despite these appeals, which have been made with increasing emphasis, the Special Rapporteur was not able to submit addenda 2, 3 and 4 of his report in time for due consideration at the last session of the Commission. The Government of Turkey believes that, given the vast dimensions of the problem, the question of allocating the necessary resources to the Special Rapporteur must be solved urgently.

"Reports of racist incidents, ranging from discrimination to extreme forms of violence, continue to pour in from rather specific parts of the world. The Special Rapporteur should continue to make the best possible use of the communications which he receives as well as the relevant news items appearing in the mass media. While dwelling upon the media, the Special Rapporteur should also examine this far-reaching dissemination machinery from the angle of paragraphs 3 and 8, as well as operative paragraph 6, of Commission on Human Rights resolution 1996/21. For the first time, the question of using the mass media to incite violence based on racist motivations has been included in a resolution adopted by the Commission. This new element needs to be addressed with due focus."

B. The Centre for Equal Opportunities and Opposition to Racism in Belgium

20. In its 1995 report, the Centre for Equal Opportunities and Opposition to Racism in Belgium states:

"Between 1 January and 1 October 1995, 665 complaints were lodged, 338 (52 per cent) of them from Dutch speakers, and 306 (48 per cent) from French speakers. A fifth of all complaints from Dutch and French speakers alike related to perceived discrimination in entry into and residence within the country. The Centre also receives complaints about public services and disputes in daily life, each of these categories accounting for 11 per cent. Then there are complaints of discrimination in employment (10 per cent); last comes the delicate matter of relations with and vis-à-vis the forces of law and order - the 'law and order' sector accounts for 9 per cent of complaints." 12/

On the subject of the victims' profiles, the report says that

"63 per cent are Belgian, many of them naturalized. The largest group of non-Belgians are Moroccans (10 per cent), followed by Zairians (5 per cent), Turks (4 per cent), and Italians (2 per cent). The remaining 16 per cent are a diverse group of people from the former Yugoslavia, Romania, Liberia, Poland, Ukraine, Egypt, Algeria, Nigeria, India, Ghana, Rwanda, Peru, Tunisia, Guinea, Bangladesh and so forth."

21. The report also says:

"... most of the complaints about residence concern expulsion or obtaining a visa and work permit.

"Almost all the complaints are lodged against public institutions, and in over half of all instances they are specifically concerned with the Aliens Office. Two thirds of the cases are reported by people belonging to an organization or group, who are all the more indignant that no account is taken of the victims' often difficult personal circumstances. There are often complaints of over-long procedures, probably due to negligent handling of the file in the service concerned.

"In the 'daily life' sector, most of the problems reported relate to social conflicts in the victims' immediate entourage or neighbourhood. Besides these, again in the 'daily life' sector, there are incidents of verbal or physical aggression against aliens, elderly people being disturbed by groups of youths, racist remarks and harassment. The complainants are mainly individuals who often feel they are being discriminated against on account of their origins. The complaints tend to be lodged against acquaintances, who may be in the individual's immediate entourage.

"The Centre finds that these are very often situations in which violence plays a large part.

"Refusals to register a person in a commune, to publish banns of marriage or celebrate a marriage, or to grant welfare or financial assistance are some examples of the complaints reaching the Centre which concern the public services. In such cases, complainants feel they are being discriminated against because of their residency status. Complaints often concern the communes, public services par excellence, with which people have dealings from the day they are born to the day they die. The Centre observes that if the public services handled applications properly, a good many complaints would never have been reported.

"Fourth among the most frequent problems comes employment - basically discrimination in the workplace and in hiring. But harassment and racist remarks at the workplace, like racist jokes, are also common. The complainant is often reluctant to raise the matter, especially if the complaint may be followed up. When the complainant is a member of one of the unions with which the Centre has a cooperation agreement, the case is followed up with the union concerned. Other bodies, Forem or Orbem for instance, become involved in handling complaints. Complainants feel they are being discriminated against on account of their origins, skin colour or nationality.

"During its consideration of these complaints, the Centre did not have enough evidence in one case in four to determine whether discrimination really existed."

C. Discrimination against Blacks, negrophobia

22. Besides the continual incidents of negrophobia referred to elsewhere, the distinctive feature is the use of the Internet to spread racist messages against Blacks. According to a study entitled "The Web of Hate", a site under construction by the organization White Arian Resistance, bearing the legend "this is a white racist web page!" shows a caricature of a Negro. 13/

23. As this report was being finalized, the Special Rapporteur received a quantity of documentation from Caucasians United for Reparation and Emancipation (CURE) on racial discrimination against African Americans in the United States. The brochure can be consulted at the Secretariat.

D. Racism and racial discrimination against Arabs

24. Most of the information received relates to the status of Arab Americans. The American-Arab Antidiscrimination Committee, in its 1995 report, 14/ speaks of a resurgence of anti-Arab sentiment in the United States following terrorist incidents such as the 1995 bomb in Oklahoma City, which was immediately attributed to Arabs, and events relating to the crisis in the Middle East. The Committee also stresses that the media tend to lump Arabs and Muslims together with terrorists and spread an unfavourable image of Arabs:

> "Today, the media's villain of choice seems to be the Arab. Stereotypical images of Arabs have changed over the years from exotic belly dancers, to desert bedouins, to oil-rich sheiks. Today, the Arab is typically portrayed as a terrorist. The richness and diversity of the Arab culture is lost to such harmful stereotypes, which help construct a negative image of the Arabs among the American public.
>
> "Media stereotypes are not to be taken lightly, especially when they are as rampant and pervasive as in the United States media ... Instances of anti-Arab defamation in the media are too great to enumerate ...". 15/

25. The Committee also mentions the use of the Internet to spread propaganda against the Arabs in general and Arab Americans in particular. "Following the outbreak of the Persian Gulf war, the Internet was full of vicious, obscene and racist material." 16/

26. The Committee decries the discriminatory treatment of Arabs and Arab Americans by airlines in the United States, by security agents at airports and by the police in general, and discrimination in education, employment and housing.

E. Anti-Semitism

27. The Special Rapporteur received from the Israeli Government a report from which he has taken the extracts below on major anti-Semitic trends around the world: 17/

> "Some of the trends noted in 1994 continued and seem to have become an acceptable part of reality: techniques for disseminating anti-Semitic propaganda are improving in sophistication in reaction to government policies of imposing bans and legal constraints, and links and coordination among extremist groups are being strengthened. Moreover, a distinction is still made between moderate messages aimed at the larger voting public and cruder messages designed for internal consumption in radical circles. The moderate messages touch upon sensitive points, such as foreign workers and the danger they allegedly pose to a country's society and culture, or the bearing they have on civil rights in that country. Candidates in electoral campaigns try to prove their attachment to authentic national and local elements, as opposed to foreign ones arousing fear and hatred, which are symbolized

by the Jew. This notion of world Jewish domination is disseminated by all means of modern communication, especially the Internet, which legally is still accessible to everyone.

"1. Decline in violent acts

"A considerable decrease in violence directed against Jews in Western Europe was registered in 1995 at the database of the Project for the Study of Anti-Semitism. This followed four years of a steady increase, most notably in Western Europe. The exceptions in the Western world are Canada, Australia and Sweden. In the Commonwealth of Independent States, especially Russia, even the lack of full and reliable information cannot obscure the steady increase in violence. The 1994 level in Eastern Europe was maintained in 1995, and very few cases of violence were registered in Latin America. The decline was especially significant in the category of attacks and attempted attacks with the potential to cause loss of life.

"Not all the reasons for this decline are discernible; in fact, the ups and downs of anti-Semitism have never been fully understood. Yet, one might assume that at least in part it is the result of more stringent enforcement of existing and new anti-racist and anti-terrorist laws, brought about through joint efforts of Jewish and other national and international organizations and agencies, ranging from the Anti-Defamation League and the World Jewish Congress to the European Union and the United Nations Human Rights Committee, and from security services to parliaments and juridical associations.

"Since the beginning of the 1990s extreme right-wingers and Muslim extremists have been the two main elements perpetrating violence against Jews in Western Europe. While right-ring extremists were behind many acts of harassment and vandalism against communal sites and Jewish property, violent attacks with the intent of causing bodily harm were perpetrated in most cases by Muslim extremists. The latter factor has not been taken into account in various assessments dealing with anti-Semitism in Western Europe.

"From the beginning of the 1990s, a clear correlation between dramatic events in the Middle East connected to the Arab-Israeli conflict and a rise in the number of attacks against Jews was observed. In 1991, in the wake of the Gulf war, there was a marked increase in attacks against Jewish targets. The deportation of 415 Hamas activists to Lebanon in January 1993 and the Hebron massacre in March 1994 led immediately to a significant rise in violence against Jews in Western Europe. In 1995 no similar event occurred in the Middle East that could lead to a significant rise in violent activities by Arab and Muslim extremists ..."

"2. The Jewish stereotype

"The image of the Jew as a subversive element aiming at 'world Jewish domination' remains at the core of various extremist ideas. In Japan, popular books warn against Jewish and Zionist plots to use their

world economic power to destroy Japan in a matter of years. In the United States, Black separatists accuse Jews of having been slave traders, and of deflecting attention from their crime by bringing to centre stage their fabrications about the Holocaust, thus obscuring their image through Jewish control of Hollywood and the media. These and other arguments were used this year, especially by Minister Louis Farrakhan, leader of the Nation of Islam.

"It seems that while violence is on the decline, public and national debates produced in 1995 continued to generate a vast variety of anti-Semitic literature and publications, not letting Jewish-related issues get off centre stage.

"The obsessive usage of the Jews by those opposing progress and democracy has not diminished in the former Soviet Union and Eastern Europe. During the electoral campaign in Russia in 1995 and the presidential campaign for the June 1996 elections, the 'Zionist threat' and Jewish and Masonic conspiracy theories abounded. Nationalists, or 'patriots', as all those who hate everything that is not Russian define themselves, used the Jews as a convenient means to explain everything that went wrong or was about to go wrong. Father Jankowski in Poland accused Jews of 'satanic greed' in a sermon in Gdansk in the presence of the former president, Lech Walesa; and in Romania a weekly magazine published an article by its owner, the leader of the Romanian Ecologist Movement, in which he practically accused Jews of 'ritual murder'.

"3. Islamist and Arab anti-Semitism

"The link between Middle Eastern events and activities perpetrated against Jews stems from the basic concept of Muslim extremists that Zionism is an integral part of Judaism and that Israel and the Jewish people are one entity. The distinction between anti-Semitism and anti-Zionism is frequently blurred in statements and articles by political and spiritual leaders of Iran and Middle Eastern organizations that inspire and finance extremist Islamic groups in Western Europe.

"However, violence in Western Europe against Jews and Jewish targets is not necessarily a response to dramatic events in the Middle East. Activists of extremist Islamic groups such as Hizb ut-Tahrir and the Algerian movements Front islamique du salut (Islamic Salvation Front - FIS) and Groupe islamique armé (Armed Islamic Group - GIS) operated in 1995 against Jewish communities in several countries in Western Europe, spreading hate propaganda and perpetrating violence without a clear linkage to the Arab-Israeli conflict. It must be stressed, however, that the absolute majority of the Muslim population in Western Europe is not affiliated with extremist groups.

"Three points should be noted about Muslim extremists: (a) they have strengthened their international contacts, operating mainly under Iranian influence and both with and without connection to events in the Middle East; (b) outbursts of anti-Semitic violence have tended to accompany dramatic events in the Middle East - and none occurred in 1995; (c) the dispute over the peace process in the Middle East produces

anti-Semitic utterances and publications on the part of extremist circles. One might say that while part of anti-Semitism in Christian countries in recent decades has become anti-Zionism, in the Muslim world anti-Zionism appears to be turning into anti-Jewish manifestations, thus broadening a political and territorial conflict into a clash between ideological and religious world views. The use of Christian and secular European anti-Semitism motifs in Muslim publications is on the rise, yet at the same time Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source.

"4. Anti-Semitism on the Internet

"The Internet has become the new battleground in the fight to influence public opinion. While it is still far behind newspapers, magazines, radio and television in the size of its audience, the Internet has already captured the imagination of people with a message, including purveyors of hate, racists and anti-Semites. On the Internet, one can disseminate a large amount of material at a relatively low initial cost, regardless of the size of the audience. Those materials may include not only text, but also charts and tables, photographic images, sound recordings and video clips. There are various possibilities for interactive dialogue and discussion.

"Most of the anti-Semitic material on the Internet today comes from the United States and Canada and is in English. This is not surprising, as the Internet began in the United States and has had its greatest penetration into society at large there. However, use of the Internet has become common throughout the industrialized world, and we are now witness to the appearance of anti-Semitic sources throughout the globe. Due to open international access, most sources are available in English, instead of or in addition to the national language."

F. Discrimination against the Romanies or Gypsies

28. Street children in Bulgaria, most of them Romany, often fall prey to attacks by skinheads. They may be called "dirty Gypsies" and beaten with chains or baseball bats under the indifferent gaze of the police, who sometimes ill-treat the children themselves. 18/

29. In Bucharest, in Romania, Romanies suffer violence at the hands of individuals, at which the police connive. The attack on a Romany community in the Curtes Ages district on 12 and 14 June 1996 is an example: one house is said to have been set ablaze and five others damaged by a group of people from the district in full view of the police. 19/

30. In Czechoslovakia, 181 attacks on Romanies are said to have been reported in 1995. Being "at the bottom of the social ladder, Roma face daily discrimination in housing, education and employment. They are often segregated in 'special schools', denied residency permits and refused jobs solely because of their ethnicity. Since January 1993, Roma have been negatively affected by the Czech citizenship law, which came into effect after the split of Czechoslovakia. A large number of Roma are now without Czech

citizenship, even though they are long-term or life-long residents of the Czech Republic. Some of them are now stateless, others have been deported to Slovakia. Evidence suggests that the law was drafted with the specific intent of removing Roma from the country." 20/

G. Discrimination against migrant workers

31. Immigration, which is growing, provoking discriminatory measures and xenophobic reactions, is a worldwide phenomenon. In Africa, America, Asia, Europe and the Pacific, discriminatory barriers are being thrown up against men and women who, looking for a better life, set out in hopes of finding a place in what is said to be the "global village" but turns out to have neighbourhoods closed off to some by legislation alluding directly or indirectly to racial identity, national or ethnic origin or preference for nationals.

32. All over the world, immigrants have become easy scapegoats and sacrificial victims of economic crises or insecurity. Labelled "illegal" or held responsible for all the problems of the countries where they live (unemployment, crime, contagious disease, insecurity, social security deficits), immigrants, whether legally in the country or not, face an increasingly precarious existence. Xenophobia is growing at an alarming rate, and most of the world's most democratic peoples, supposedly devoted to such civilized values as the dignity of the individual, do not care.

33. Holding camps, where aliens are dumped in often unacceptable living conditions before being expelled, are multiplying throughout the world. Electric fences are springing up at frontiers. Those who try to cross them are dealt with harshly.

34. Against this background, the Mexican Government submitted information on Mexican workers entering the United States of America:

> "The Government of Mexico, given the incidents in Riverside County, California, in March and April 1996 when Mexican nationals were beaten and some lost their lives, has expressed its indignation to its United States counterpart and forcefully condemned violations of its nationals' human rights, stating that the clear abuse of authority displayed in those incidents confirms the urgent need for determined action to stamp out discriminatory attitudes which spill over into acts of institutional violence.
>
> "With all due respect for the sovereign right of the United States to define and enforce its migration policies, given the recent tightening up of border controls, the Government of Mexico emphasized the need for those policies to be applied with strict respect for migrants' dignity and human rights.
>
> "The Mexican Government maintains an ongoing dialogue with the United States migration authorities through a variety of bilateral mechanisms including Mexico-United States Binational Commission working groups on migration and consular affairs; border affairs liaison machinery; and consultation machinery on the functions of the

Immigration, Naturalization and Consular Protection Service. Respect for migrants' human rights is a key item on these bodies' agendas.

"On the reform of the legal framework governing immigration in the United States, which is due to be approved by the United States Congress, the Mexican Government repeated to its counterpart that it was necessary to ensure that the legislation did not infringe the dignity and human rights of Mexican migrants and, in particular, that it must not call for action that might prompt or result in discriminatory attitudes.

"Under bilateral cooperation on migration, Mexican Government officials have helped to give training courses to those responsible for training United States immigration officials and Border Patrol officers, seeking to acquaint them with the culture and history of Mexico and with the work being done by Mexican consulates in the United States to protect migrants.

"Considering that bilateral migration is the result of structural causes, notably the differences in levels of economic development between Mexico and the United States and the interdependence of the labour markets in the two countries, the Mexican Government has pressed for the adoption of a comprehensive approach to the phenomenon which takes balanced account of the interests and concerns of both nations. To this end, by agreement between the two Governments, governmental and academic experts from both countries have begun to formulate a binational study on migration, the central purpose of which is to provide an objective, comprehensive and long-term analysis of migration to be used in designing and enforcing more effective policies that address the real causes and effects of migration. You will be kept duly informed.

On a different note, Mexican consulates in the United States - particularly those in the border region - have been allocated additional staff, training and funds. Bringing before the United States authorities - and following up on - applications concerning abuse of authority or violations of Mexican nationals' human rights is a matter to which our consulates give priority. With a view to the efficient coordination of our consulates' protective functions, a Directorate for Protection and Consular Affairs was created in 1995 as part of the Office of the Secretary of State for Foreign Relations.

"The Mexican Government recently set up the Beta Sur group, which fulfils the same functions on the southern border as the immigrant protection groups do on the northern border.

"In furtherance of its commitment to safeguard migrants' rights, the Mexican Government distributes an information kit indicating what rights are enjoyed by all migrants within Mexico irrespective of their migrant status. It has also set up a training programme to inform and make migrants aware of public servants' legal obligations to respect migrants' rights.

"Within the Commission on Human Rights and the United Nations General Assembly, the Mexican Government has condemned violations of migrant workers' rights and urged countries to consider the possibility of signing, ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Further to the announcement made by President Ernesto Zedillo, it is intended that on 1 September next, when the Mexican Senate reconvenes in ordinary session, it will be sent for analysis and approval a bill whereby the Mexican Government will ratify the said Convention."

III. ACTION BY GOVERNMENTS

35. The Special Rapporteur welcomes the action taken by certain Governments to eliminate or prevent racism, discrimination and xenophobia.

36. The Standing Advisory Commission on Human Rights informed the Special Rapporteur that a bill, the Draft Race Relations (Northern Ireland) Order 1996, has been submitted to the Parliament of the United Kingdom of Great Britain and Northern Ireland for consideration. The bill would: (a) introduce specific legislation on race relations in Northern Ireland, prohibiting racial discrimination in employment, housing and the supply of goods and services; (b) protect "travellers"; and (c) establish a commission on racial equality for Northern Ireland. Consultations have already been held between the parties concerned (ethnic minorities, non-governmental organizations and the Standing Advisory Commission on Human Rights). 21/

37. The Estonian Government reports that:

"To further strengthen human rights and combat contemporary forms of racism, on April 1996 the Estonian Parliament ratified the Council of Europe Convention on Human Rights and its optional protocols 1, 4, 7, 10 and 11 and granted the right of individual petition to the European Commission on Human Rights". 22/

38. The Government of Cyprus reports that:

"The Law Commissioner is at present considering legislative measures for the regulation and monitoring of broadcast programmes as well as of cinematographic films. Among other international and national legislation, Directive 89/552 of the European Union is being taken into account. In particular, the said Directive includes a provision stating that the Member States should take the necessary measures so that broadcast programmes should not incite acts or activities likely to cause hatred, discrimination or violence against persons by reason of racial, sexual, religious or nationality differences." 23/

39. Morocco informed the Special Rapporteur that:

"Monitoring questions relating to the status of working conditions, reception and protection of the interests of Moroccan migrant workers is a major concern of the Moroccan Government. Efforts by the Moroccan

authorities in this area notably include the maintenance of contacts and dialogue with Governments in host countries with a view to protecting the interests of such workers and improving the status of them and their families.

"Moroccan law prohibits all forms of propaganda for war and severely punishes incitement to national, racial or religious hatred. Likewise, Morocco has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. ... the Human Rights Ministry recently established a xenophobia and racism unit which closely monitors the many violations of basic human rights suffered by Moroccan communities abroad ...". 24/

40. In its communication, the Turkish Government suggests a series of measures to put an end to manifestations of racism:

"In the field of legislation, bodies of domestic laws should be harmonized with a view to effectively deterring and severely punishing those offences committed with racist motivations. Moreover, enhancement clauses must be introduced with respect to such offences.

"To complement the measures to be taken in the legislative area, similar deterrent elements should be put into effect in the administrative domain. In this connection, harsh penalties must be introduced for governmental agents who are involved or acquiesce in racist activities or who condone or do not intervene to prevent such activities. It should be mentioned at this juncture that the training provided to government agents, such as the police and customs officials, who frequently have to deal with foreigners in the accomplishment of their duties, must emphasize racism and other related ills.

"Another area which should be explored in the framework of combating contemporary manifestations of racism is the offering of special assistance for the redress and rehabilitation of victims of racist attacks. The wounds incurred from racism are first and foremost psychological. These wounds may be aggravated by physical injuries in cases of outright physical attacks. In order to create an international mechanism to meet the needs of victims of racism, the question of funding presents itself as a precondition. To this end, the speedy establishment of a United Nations voluntary fund for victims of racism must be ensured.

"As to medium- and long-term measures against racism, the Government of Turkey believes that we must ensure 'prevention', in the sense that new generations must be brought up in a way which renders them fully aware of the threats posed by racism. This would include specific references to the great tragedies and horrors racism has caused in the past; as well as the new menace which it poses in its new and various manifestations and disguises, such as 'cultural relativism'.

"The most effective tool we have to accomplish this endeavour is education. The abhorrence of racism in all its forms and manifestations, with special emphasis on concrete examples from history,

must be included in educational curricula in a manner which takes into account the levels, age and specialization of the students. Similar courses must be incorporated also in professional training, particularly for security and customs personnel." 25/

IV. COMMUNICATIONS RELATING TO ALLEGATIONS OF RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

41. In accordance with established practice, the Special Rapporteur, when receiving allegations of racism, racial discrimination or xenophobia, transmits them to the Governments concerned and expects reply three months later. In the absence of a reply, or if he believes the reply received to be complete, he issues an opinion, then brings the information in his possession to the attention of the Commission.

42. In 1996 the Special Rapporteur transmitted allegations of racism, racial discrimination or xenophobia to 12 Governments in order to obtain information as required by Commission resolution 1996/21, paragraph 13. The Governments concerned were those of Angola, Australia, Austria, Canada, Côte d'Ivoire, France, India, Indonesia, Israel, Italy, the Russian Federation and the United States of America.

A. Angola

1. Communication dated 9 September 1996

43. The press and spoken media have recently been reporting the repatriation, mainly to Mali, of foreigners living in Angola. It is pointed out that the people expelled include foreigners whose presence in Angola was legal and regular.

44. This action is said to have been motivated by xenophobia.

45. No reply has been received from the Angolan Government.

2. Special Rapporteur's observation

46. The Special Rapporteur would like to hope that the Angolan Government will give this matter due attention and supply the information and clarifications requested, rectifying the situation of those people who had been lawfully in Angola but were nevertheless expelled.

B. Australia

1. Communication dated 28 May 1996

47. It has been reported that "Australia's criminal justice system remains heavily weighted against Aboriginal people". Since the start of March 1996 it was found that indigenous Australians still run a disproportionately high risk of arrest, detention and death in custody. A pattern of ill-tratment and arbitrary arrest occurs against a backdrop of systematic discrimination against Aborigines.

48. It has been also alleged that "the way the criminal justice and penal systems function makes Aborigines particularly vulnerable to cruel, inhuman and degrading treatment. The high rate of Aboriginal death in custody is also due to the dramatically disproportionate representation of Aboriginal people in detention".

49. Alleged ill-treatment by police officers has been reported. Police continue to intimidate and harass relatives who do not accept official explanations about deaths in custody and instead have called for further investigations.

50. Furthermore, it has been reported that some prisoners have been kept in leg-irons, handcuffs and chains for up to 24 hours a day and over a period of several days.

51. In one case, an Aboriginal man was assaulted by four police officers and sustained head injuries from the use of batons. More than 26 months after an initial complaint had been lodged, the Director of Public Prosecutions found that there was evidence on which one of the officers should have been charged with assault occasioning bodily harm. However, for technical legal reasons, the officer could no longer be charged.

52. No reply has been received from the Government of Australia.

2. Communication dated 18 December 1996

53. The Special Rapporteur has been informed of the surge in racism, racial discrimination and xenophobia in Australia towards Aborigines, Australians of Asian origin and foreigners, and in particular of the Hanson syndrome or phenomenon. 26/

3. Special Rapporteur's observations

54. The Special Rapporteur hopes that the Government of Australia will respond to his initial communication and provide him with the necessary information on the later one so that he can plan, if appropriate, for a field mission in 1997.

C. Austria

1. Communication dated 26 May 1995

55. It has been reported that "on 5 November 1994, in the city of Bludenz, a predawn arson attack was set on a Turkish-owned building which was to be converted into a mosque after its renovation. The building was heavily damaged, but there were no injuries. It has been alleged that the arson attack had racist motivations."

56. It has been reported that "on 5 February 1995, in the city of Oberwart, a pipe-bomb concealed in a placard reading 'Gypsies go back to India' killed 4 people living in the Gypsy settlement, where a total of 117 people live in 19 box homes. The bomb had been designed to explode at chest-height when anybody touched the placard, whose message had been inscribed in the

ornate lettering of a tombstone. The attack where Gypsies had been living for more than 300 years was depicted by the police as mere accidents or a result of a blood feud."

57. There have been allegations that "this incident has racist motivations and that the neo-Nazi Bavarian Liberation Army was responsible".

58. It has been reported that on 6 February 1995, a bomb, disguised as an aerosol can, wounded a 29-year-old municipal garbage worker of Croat origin in Stinatz, which is mainly populated by Austrians of Coatian descent. The bomb was left near a school. A pamphlet at a bus stop in the town read "Go back to Dalmatia".

2. Reply by the Government of Austria in a note dated 4 April 1996

(a) The case of arson at Bludenz

59. Fires broke out on 22 October, 5 November and 31 December 1994 in an uninhabited house at 25 St. Peterstrasse, 6700 Bludenz (Federal Province of Vorarlberg). Major damage was caused to the building, which was being renovated at the time. It has not been possible to ascertain the causes of the fire on 22 October; none the less, the circumstances suggest that it was arson. On the other hand, it is almost certain that the fires on 5 November and 31 December 1994 were criminal. The three fires caused damage, most of it attributable to the fire on 22 October 1994, worth almost 1 million Austrian schillings.

60. Almost half the damage is covered by insurance. According to Austrian police inquiries, the building had been purchased by an Austrian citizen, apparently on behalf of the "Union of Islamic Cultural Centres of Vorarlberg" (Verband des islamischen Kulturzentren Vorarlbergs), of which he was himself a member. Before the three fires, renovation work had begun with the intention of converting the empty building into flats for members of the Union and an Islamic prayer room. So far the Austrian police's thorough investigations and questioning have yielded no evidence to identify the culprits. Possible motives for the arson are unclear.

61. After the second fire the Austrian police ordered plain-clothes patrols of the district to protect the building. Unfortunately, the precautions failed to prevent the third fire.

(b) The bomb attack at Oberwart

62. At about 7.30 a.m. on 5 February 1995 the partly mutilated bodies of four members of the Romany were found not far from the town of Oberwart (Federal Province of Burgenland). Examination of the scene of the crime and subsequent investigations led to the conclusion that the four were victims of a cowardly bomb attack.

63. Reconstruction of the incident showed that the four men had left the Rom camp in Oberwart at about 10.30 p.m. the day before (4 February 1995), heading for the place where they were to die. At about 11.45 p.m. many of the camp's

inhabitants and the staff at a nearby public hospital heard a blast. It was not reported to the police at the time because people thought it was a New Year firecracker or similar firework.

64. The pipe bomb which killed the four Roma was apparently made to look exactly like a post for a road sign. An iron tube, originally about 1 m 20 long, protruded from the mounting. A metal plate covered in black varnish with the words "Romanies go back to India" in yellow letters, was attached to it.

(c) The bomb attack in Stinatz

65. At about 11 a.m. on 6 February 1995 an employee of the highways department in the village of Stinatz (Federal Province of Burgenland) was emptying dustbins. While doing so, he noticed an apparently empty aerosol can beside the dustbins and decided to throw it away with the other rubbish. When he bent down to pick it up it exploded. The workman's hand was seriously injured (several fingers had to be amputated).

66. On 6 February 1995 a letter was found at a bus stop in Ollersdorf (a village between Oberwart and Stinatz); the contents suggested that it was from one or several people claiming responsibility for the Stinatz explosion.

67. Thorough forensic examination of the booby trap confirmed that it was linked to the Oberwart pipe bomb. Other letters sent at the same time and claiming responsibility for a number of letter-bomb attacks suggest that the Stinatz explosion and the letter-bomb attacks are not unconnected.

3. The Austrian authorities' assessment of the bombings

68. Without a doubt, the Oberwart and Stinatz bombings represent a swingeing attack on democracy and peaceful coexistence with Austria's ethnic groups. They are apparently part of a series which began with letter bombs in December 1993 and has no precedent in Austria's history since the Second World War.

69. The Oberwart incident, in which four people died, is by far the most serious of these attacks. In view of the apparent circumstances of the attacks, there is everything to suggest that the culprit(s) were xenophobically or racially motivated. The Oberwart attack deliberately targeted the Romanies, whose status as a national minority in Austria was officially recognized in 1993.

70. All Austria's political institutions and the public at large were outraged, and they continue to condemn the cowardly attacks at Oberwart and Stinatz.

71. On 8 February 1995 the Austrian Parliament paid tribute at one of its sittings to the memory of the victims of the Oberwart attacks.

72. On 9 February 1995 the Austrian Federal Chancellor visited the Romany camp in Oberwart and the victims' families. The funeral of the four victims, on 11 February 1995, was attended by the Austrian Federal President, the

President of the Austrian National Assembly and numerous Austrian politicians and other leading figures. The whole of Austria expressed its solidarity with the families of the murdered men and the Romany ethnic group itself. Internationally, the Secretary-General of the Austrian Federal Ministry of Foreign Affairs publicly condemned the murders on 16 February 1995 at the fifty-first session of the Commission on Human Rights at Geneva. The first anniversary of the Oberwart attack was commemorated in several ceremonies in Austria with public homage to the memory of the victims. The "congress of Oberwart Ethnic Groups" met from 2-4 February 1996 and discussed the specific concerns of the Romanies.

73. The Austrian police have set up a group of experts in the anti-terrorist service of the Federal Ministry of the Interior, which is chiefly concerned with investigating the bombings in Austria since 1993.

74. The Oberwart and Stinatz incidents have been given priority. Extra staff have been assigned to other units of the Federal Ministry of the Interior which are also taking part in the investigations. In order to shed light on possible links with other countries, the police have intensified their cooperation with their counterparts in neighbouring States.

75. Despite the wealth of information provided by the general public, it is proving difficult to identify the person or persons responsible for the attacks because they were apparently not previously known for their extremist activities. The name of the "Baiuvarian Liberation Army", which is linked to all the letter-bomb attacks, has so far not led to any specific person or group of persons. Nevertheless, the police investigations have led to a series of highly significant discoveries for the pursuit of the investigations.

76. The Federal Ministry of the Interior has offered a S10 million reward (approximately US$ 1 million) for information leading to the arrest of the persons responsible for the Oberwart and Stinatz bombings and the other letter-bomb attacks. The city of Vienna itself has offered a S200,000 reward (approximately US$ 20,000) for any information that helps to identify the perpetrators of the letter-bomb attacks.

4. Special Rapporteur's observations

77. The Special Rapporteur commends the extensive mobilization of the Austrian Government and public opinion against these horrible racially and xenophobically-motivated attacks. He hopes that the Government will continue its investigations until the incidents have been fully elucidated and justice done.

D. Canada

1. Communications dated 12 February 1996

78. According to reports sent to the Special Rapporteur, "Quebec's population has split after the referendum on sovereignty on 30 October 1995"

(no: 50.6 per cent, yes: 49.4 per cent; turnout: 94 per cent). "Several radical movements have since come into being and expressions of racism, xenophobia and intolerance have allegedly multiplied."

79. According to the reports, "the constitutional debate is increasingly marked by emotional outbursts and statements are increasingly polarized. Each of the contending parties accuses its adversary or adversaries of racism or even fascism. More and more movements have emerged, leading to a radicalization of the debate and [conflicting] territorial claims". The situation is described as "disturbing".

2. Reply dated 8 March 1996 from the Permanent Mission of Canada

80. The Permanent Mission of Canada to the United Nations Office and other international organizations at Geneva replied as follows: "Your letter [has been] brought to the attention of the appropriate Canadian authorities, who will closely examine the allegations with a view to informing you of their observations".

3. Special Rapporteur's observations

81. The Special Rapporteur would appreciate the Government of Canada's transmitting its reply in time for the forthcoming session of the Commission in March 1997.

E. Côte d'Ivoire

1. Communication dated 2 February 1996

82. The Special Rapporteur transmitted to the Government of Côte d'Ivoire a tract circulating in Côte d'Ivoire whose xenophobic contents caught his attention; the tract read as follows:

"TO AMBASSADORS FOR THE INFORMATION OF THEIR CITIZENS

Please accept our sincere thanks for your contribution to our country's development. Now please go and develop your own countries which you have deliberately neglected and abandoned to poverty.

Get out of our schools, our markets, our streets, our hospitals, our temples, our churches, our mosques, our university, our countryside, our villages, our fields and above all our port, in a word, get out of our country. We are suffocating and we've had our fill. 'Côte d'Ivoire belongs to the Ivorians' is not a hollow slogan.

You can guess from the Electoral Code what to expect next November after the elections. Act now before the major decisions are taken, don't just wait to experience what's in the offing. Save your women and children now or else it will be like in Algeria, we are prepared to hunt you down everywhere.

Above all don't count on the police or army to hold us back, and even less on the authorities because we all agree: by opening our borders President Houphouet has dropped us in it. Now it's over, Bedie will free Côte d'Ivoire; he himself has said that you can't govern against the people. It's you we're talking to, because what the Ivorian people want is for you to get out. What Bedie wants, like Hitler, is a pure race; an undivided Côte d'Ivoire for pure-bred Ivorians.

Growth is once again within our grasp and we refuse to share it.

Get the so-called international agencies, ADB, ILO, UNICEF, UNIDO, Air Afrique, the World Bank, IMF, WHO, etc. - in other words everything international off our backs. We're going to run national offices and keep to ourselves - a pure race.

It is not our fault if your Presidents are useless.

It is not our fault if your countries are pathetic.

It is not our fault if you are land-locked.

What if there was no Côte d'Ivoire? So get out.

We the undersigned, the soldiers of Bedie. The pure bred Ivorians."

83. No reply has been received from the Government of Côte d'Ivoire.

2. Special Rapporteur's observations

84. The Special Rapporteur sincerely hopes that the Government will examine the problem and provide him with detailed information on the tract, apparently indicative of a wave of xenophobia which troubles neighbouring countries since many of their nationals live in Côte d'Ivoire.

F. United States of America

1. Communication dated 16 April 1996

85. It has been reported that "the State Department has agreed to pay US$ 3.8 million to compensate Black foreign service officers who alleged they were denied advancement and career opportunities because of their race, and to grant retroactive promotions to 17 of them".

86. The agreement was a key part of a negotiated settlement that would end a federal lawsuit that has dragged on since 1986. Black diplomats charged they were given backwater assignments, denied promotions they deserved and unfairly driven out of the diplomatic corps.

87. In addition to the compensation fund and the retroactive promotion, the State Department agreed to reinstate four Black junior officers who were dismissed after failing to win permanent positions and to pay $2.1 million in legal fees to lawyers who represented the Black diplomats.

88. It was further stated that, despite years of affirmative action programmes, "the State Department remains a very white institution. As of mid-1993, papers filed with the case show 87.6 per cent were White and 6.7 per cent Black. Only 1.4 per cent of the diplomats in the senior foreign service were Black".

89. The Special Rapporteur has received no reply from the Government of the United States of America.

2. Communication dated 28 May 1996

90. The Special Rapporteur transmitted allegations of poor police conduct in coloured communities. A national tribunal, meeting in Chicago on 26 October 1995 to give a hearing to victims of police misconduct, made a statement from which the following extracts are taken.

> "After reviewing the testimony and documentation we are convinced that the evidence supports a conclusion that police violence and corruption on the local, state and federal levels, particularly within communities of colour and poor communities, are at the foundation of a gross and consistent pattern of human rights violations in the United States.
>
> "As judges with expertise in human rights violations, we are familiar with documented reports of police violence and corruption dating back at least to the creation of the United States. The evidence that we have reviewed suggests that the police violence chronicled throughout history has not abated. Indeed, in the words of one witness, 'it is unremitting'.
>
> "Our concern is heightened by the testimony of some of the witnesses perpetuating the view that police misconduct should be punished because the victim was 'innocent', that is, not engaged in any criminal conduct. Yet the police abuses reported far exceeded any actions that could be justified based on criminal conduct of any of the victims. The documentation of criminalization of youth of colour, particularly Black and Latino, reviewed prior to the Tribunal and during it, support the conclusion that police are often able to avoid discipline and punishment because their victims are young, poor and of colour.
>
> "In addition to the criminalization of youth of colour and the poor, the testimony raised a number of significant issues, including the following:
>
> 1. Police across the United States have engaged in beatings, harassment, physical torture and murder of individuals.
>
> 2. Police across the United States have been involved in frame-ups, calculated efforts to discredit witnesses and complaints, and the destruction of key evidence.

3. Under the guise of the 'war on drugs' and the 'war on gangs', loved ones, family members, neighbours and community residents were made to endure racist slurs and taunts, improperly served warrants, illegal 'warning' shots and unnecessary invasions of their privacy.

4. Testimony supported the conclusion that police continue to be viewed as an 'army of occupation' in many communities of colour.

5. Evidence indicates that when victims or witnesses attempted to press their claims, police officials denied them access to information that would support their claims, creating a 'wall of silence'.

6. Active-duty police officers, both men and women, also testified that when they challenged police misconduct, they were met with the 'code of silence', which includes the practice of shunning and other forms of harassment.

7. Some of the other forms of harassment described by these police witnesses included attempts to undermine their morale, effectiveness and credibility, including sending them dead animal parts and shouting degrading obscenities at them in public.

8. Testimony by police officers indicated that gender is an added dimension of vulnerability to police abuse.

9. The evidence suggests that people with some mental history may be particularly vulnerable to police abuse.

10. Evidence suggests that police use restraining devices in inappropriate ways, subjecting people to torture. Witnesses testified to excessive use of pepper spray after the victim posed no threat to police officers. Persons were shackled by their legs and forced to walk, in a method known as 'hobbling'. We heard about the use of 'hog-tying', in which arms and feet are bound together behind one's back. Witnesses provide evidence of persons shackled in cells so that they hung from their hands.

11. Most witnesses testified that they attempted to develop systemic responses to police violence, such as community police review boards, and were met by concerted opposition from police officials and police unions. This included responses such as open hostility, attempts to discredit, lies, threats, other forms of intimidation and sophisticated forms of political lobbying."

91. No reply to these allegations has been received.

3. Special Rapporteur's observations

92. In order to follow up the allegations, and encouraged by the spirit of dialogue in his relations with the United States, the Special Rapporteur hopes that the Government of the United States will provide him with information on the above allegations in time for the next session of the Commission in March 1997.

G. Russian Federation

1. Communication dated 3 May 1996

93. The Special Rapporteur transmitted to the Russian authorities a report on discrimination against the Meskhetian Turks in Krasnodar Territory. The report alleges that:

> "The Turks-Meskhetians who live in Krasnodar Territory deserve special attention for several reasons. Firstly, the Turks who had to leave Uzbekistan in 1989-1990 have settled in many areas in the south of Russia, but only in Krasnodar Territory have the overwhelming majority of them found themselves deprived of permission for permanent residence, which implies the opportunity to exercise in full citizenship, political and social rights. The Meskhetians in Krasnodar comprise the significant part of the forced migrants who arrived in the territory of Russia from other Union Republics before the breakdown of the Soviet Union and who in defiance of the current legislation and international obligations of the Russian Federation have up till now not been given any legal status. Secondly, the Meskhetians were a 'repressed' people during the years of Soviet power and are trying to solve the difficult and painful problem of returning to the place where they were expelled from. Thirdly, an interesting aspect is Krasnodar Territory itself, whose authorities are conducting a severe policy aimed at moderating by various means the immigration inflow from outside."

94. No reply has been received from the Russian authorities.

2. Special Rapporteur's observations

95. The Special Rapporteur would appreciate the Government of the Russian Federation providing him with information on the above allegations in time for the forthcoming session of the Commission, in March 1997.

H. France

1. Communication dated 15 September 1995

96. It has been reported that on 29 October 1994, after setting upon four Turks, four French youths, accompanied by 15 other neo-Nazis, attacked a restaurant belonging to Mr. Mehmet Bashoroz, a Turkish resident of Obernai (Alsace). Considerable damage was caused to the restaurant and a Turkish customer was reportedly wounded.

97. Four of the 15 youths who are known to be members of the "Alsace Corps" are said to have been arrested by the police, which seized right-wing extremist propaganda at their homes. The four young extremists reportedly admitted taking part in the incident.

98. The incidents were presumably motivated by racism.

2. Reply from the French Government, by letter dated 13 March 1996

99. On Saturday, 19 October 1994 a number of skinheads, some of whom belong to the "Alsace Corps", gathered at the "le Tigre" bar in Sélestat, intending to go to Klingenthal village hall where a birthday party was being organized for pupils of the Feppel secondary school in Obernai. One member of the group, Olivier Fauchart, had in fact been asked by the party organizer to help keep order.

100. Before going to Klingenthal the skinheads first went to Obernai, where they were seen in two bars: the "Athic" and the "Byblos". An hour after their arrival, they split into two groups: the first composed of Philippe Léger, Brun Adler, Raphaël Kaelbel, and Jean-Michel and Nicolas Broggi; the second comprising members of the "Alsace Corps": Olivier Fauchart, Olivier Fassel, Jean Delarossa, Bertrand Neth and Mathieu Hart (a minor, against whom charges have been dropped).

101. The first group did not find the party to its taste and moved on to Colmar, while an argument broke out between the second group and some foreigners, including Mouai Megtait, Salah Eddine, Sinan Durdu, Amedh Mebrouk and Oscar Tan. No one was reported hurt, but a vehicle belonging to Taha Mebrouk was partly destroyed.

102. The group then returned to Obernai. One of them provoked Ali Polat, who had just had dinner in a Turkish restaurant belonging to Mehmet Baschoroz. Mr. Polat was chased by the group and took refuge in the restaurant where damage was caused: the windows were broken, the premises were bombarded with empty bottles and the customers sprayed with tear gas. Ali Polat was hurt, and was off work for five days.

103. Searches of the homes of the four members of the "Alsace Corps" turned up:

(a) Neo-Nazi, racist, extreme right-wing propaganda and correspondence demonstrating the paramilitary and Nazi nature of the structure of this group of skinheads;

(b) Pick axe handles, knuckledusters, etc.; and

(c) Group photographs portraying neo-Nazi emblems and poses.

104. The examinations of the witnesses identified Olivier Fauchart as the instigator of the racist operation in Klingenthal which had been planned several days earlier at a meeting at Meinau football ground. Fauchart did not take part directly, unlike Jean Delarossa, Olivier Fassel and Bertrand Neth, who were actively involved.

105. The main culprits in the attack on Ali Polat and the owner of the restaurant were Olivier Fauchart, Olivier Fassel and Bertrand Neth.

106. The investigation found sufficient evidence to institute proceedings for:

(a) Premeditated wilful armed assault, causing a temporary cessation of work of less than eight days (an offence covered by art. 222-13, para. 12, of the Penal Code) against Olivier Fauchart, Olivier Fassel, Bertrand Neth and Jean Delarossa; and

(b) Destruction, damage and injury to several persons (an offence covered and penalized by arts. 322-1 and 322-3, para. 1, of the Penal Code), against the same persons.

107. In a decision handed down on 1 December 1994, the Saverne Court of Major Jurisdiction handed down the following sentences:

(a) A one-year prison sentence, eight months of which were suspended, and two years' probation together with three years' deprivation of civil, civic and family rights, against Olivier Fauchart;

(b) A one year prison sentence, eight months of which were suspended, two years' probation and two years' deprivation of civil, civic and family rights, against Bertrand Neth;

(c) A one-year prison sentence, six months of which were suspended, three years' probation and two years' deprivation of civil and family rights, against Jean Delarossa; and

(d) A one-year prison sentence, 10 months of which were suspended, and two years' probation, against Olivier Fassel.

3. Communication dated 23 September 1996

108. The Special Rapporteur transmitted to the French authorities for comment a report describing "the main violations of human rights and legal irregularities committed by the French Government in the case of the 'sans-papiers' (persons without identity papers) in the Saint-Bernard church in Paris". The incident took place on 23 August 1996.

109. The report described the facts in the following terms: "the violence employed, the brutal desecration of a place of worship, the gross misconduct and in particular the racial discrimination were seen as intolerable acts profoundly alien to France's democratic traditions, image and history ..."; it discusses the causes:

> "The accentuation of inequalities throughout the world, the rise in unemployment in France and in Europe, the pursuit of market-oriented policies that do not admit of entrenched social interests, efforts to bring down wage costs by any means, and the damage inflicted by unbridled worldwide competition have led, on the one hand, to the singling out of the entire immigrant population as scapegoats and, on

the other, to the development of an underground economy, frequently for the benefit of well-known firms which exploit it with complete impunity, and moonlighting, mostly by French citizens even though the finger is pointed at immigrants.

"This acounts for the system of repatriation grants instituted in 1982, which set the tone and was followed, in 1986, by the Act of 9 September on immigration and residence controls over aliens in France and the introduction (by the Minister of the Interior, Charles Pasqua) of large-scale identity checks, thus labelling the entire immigrant population as a potential source of all evils, from unemployment to petty crime or even terrorism. This fuelled a particularly disturbing line of racist and xenophobic thinking.

"Then came a series of acts and special provisions targeted at immigrants.

"In 1992: the introduction of holding areas in ports and airports; the establishment of a national dossier of aliens in France; in 1993: a series of acts intended to control immigration, amending the conditions applicable to the right of asylum, family reunion and mixed marriages; the '<u>vigie pirate</u>' plan, i.e. measures introduced to combat terrorist attacks; the five-yearly reform of the judicial system in 1994 and the Security (orientation and programming) Act together with the 1995 reforms to the structure and tasks of the police which made efforts to combat illegal immigration a priority."

110. The report concludes that:

"It is to these measures as a whole and to their consequences that attention should be drawn today, because they lead to acts that undermine respect for human rights ...

"Holding areas do not allow people to exercise the remedies to which everyone is entitled, nor do they allow the courts, lawyers and even representatives of UNHCR to operate normally.

"The holding centres are places where people are deprived of their liberty and human dignity is not respected. In the case of the 'sans-papiers' it transpired that children were being held, that the rights of the defence were not being respected and that administrative irregularities were becoming increasingly numerous.

"The so-called Pasqua Acts have put the foreign parents of children who are or will in all likelihood become French, couples of mixed descent and their children and people denied asylum in an inextricable situation, flatly at odds with a number of international rights which France none the less acknowledges.

"The way in which persons at risk in their countries of origin or under judicial supervision, declared not liable to expulsion or under court protection, are expelled goes to show how seriously human rights are being violated in France.

"It is also worth mentioning the hunger strikers interned in a military hospital and denied visits by civilian doctors, and the use of military bases for police operations.

"Numerous administrative circulars in the public and semi-public services and authorities lay down discriminatory treatment for the immigrant population, among them ANPE (the National Employment Agency), ASSEDIC (Family Allowance funds) and the Social Security Offices, which are required to carry out special checks and to demand supporting documents and even systematically to inform on immigrants to a specialized department in the prefectures.

"Against this background an extreme right-wing politician has no hesitation in openly declaring himself a racist, confident that he will gain a political and electoral advantage."

111. This document contained an annex entitled "Statement concerning the remarks by the Chairman of the National Front on 'racial irequality'" and a "note relating to the authorization granted to the so-called 'sans papiers' (aliens without identity documents) to reside in France", adopted on 12 September 1996 by the plenary assembly of the National Consultative Commission on Human Rights.

112. No observation has been received from the Government of France concerning this case.

4. Special Rapporteur's observations

113. Regarding the communication dated 15 September 1996, the Special Rapporteur takes note of the reply from the Government of France. The Government is a firm believer in the rule of law and abides by the decision of the Saverne Court of Major Jurisdiction, while expressing the hope that the police will remain vigilant over skinheads' activities.

114. Following the case of the "sans papiers" in the Saint-Bernard church, on 13 November 1996 a delegation from the Confédération générale du travail (one of the major trade unions) accompanied by trade unionists from Mali and Senegal met Mr. Gilberto v. Saboia, the Ambassador of Brazil and Chairman of the Commission on Human Rights, who sent a summary of the meeting to the High Commissioner for Human Rights and to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

115. The Special Rapporteur addressed this important issue in his report to the fifty-first session of the General Assembly (A/51/301, para. 52) and in his introductory statement to the report, on 5 November 1996 at the third meeting.

116. He hopes to receive a reply from the French authorities which he can bring to the Commission's attention at its fifty-fourth session, in March 1998.

I. Indonesia

1. Communication dated 4 June 1996

117. The Special Rapporteur received and transmitted a report concerning the situation of the indigenous people of Irian Jaya. In this report it is alleged, inter alia, that:

"Widespread abuses appear to be ongoing within the context of an oppressive military presence, continuing environmental damage and the cultural subordination of indigenous people in the face of the massive exploitation of resources by powerful multinational corporations.

"Irian Jaya was a Dutch colony ceded to Indonesia in 1969 by the United Nations after an 'Act of Free Choice' (known to the locals as an 'Act of No Choice' because the tribespeople had no opportunity to say whether they wished for independence; most of the people spoke neither Dutch nor Indonesian and many of the tribes had no prior contact with outsiders).

"The tragedy is that with the Indonesian takeover a classic colonial situation is occurring: the local people are marginalized. Transmigrants, mainly from Java, are being given the local people's land. All aspects of the locals' lives have been altered and they are forcibly resettled.

"The politics, culture, economy, education and work opportunities are Indonesian, imposed from Jakarta. Very few opportunities are available for the West Papuans.

"The Freeport Mines Company control the whole economy of Irian Jaya. All produce grown and manufactured is for the Company. Freeport also supplies over half the revenue tax for Jakarta. For these reasons the Government of Indonesia uses the military to protect Freeport's interests. Any locals who show signs of dissatisfaction are harassed, tortured, disappeared or murdered. The relationship between the Freeport Company and the Indonesian military is so close that it is not possible that the Company is unaware of the military's activities."

2. Reply from the Government of Indonesia by letter dated 20 October 1996

118. The following is taken from the communication from the Indonesian authorities:

"The allegations of Ms. Jean McLean and the Australian Section of the International Commission of Jurists consist of nothing but half truths, uncorroborated facts and unwarranted recommendations. In fact, they have engaged in a very dangerous venture, namely, supporting an armed and violent separatist group, i.e. the Free Papua Movment (OPM). Jean McLean has deliberatly concealed the activities of the OPM by stating that 'The OPM group led by Amungme Chief Kelly Kwalik has undertaken a series of non-violent flag raising'. What Jean McLean

terms as 'non-violent flag raising' by Kelly Kwalik is actually a five-month long stand-off in which the OPM took 23 people hostage, including a five-month pregnant United Nations official, and brutally murdered two of them.

"The Secretary-General of the United Nations, the High Commissioner for Human Rights and the ICRC urged that the hostages be released to no avail. The appeal by the Federation of Associations of Former International Civil Servants to release the United Nations officials went unheeded. This is, unfortunately, not an isolated incident. Many people have been killed, tortured or threatened by the OPM. There were a number of cases in which whole villages were forced to cross the Indonesian border at gunpoint in an attempt to create the image that the villagers in Irian Jaya were fleeing to the neighbouring country.

"OPM is a separatist group which was created in 1961 by the former members of the New-Guinea Raad (New Guinea Council), a body establish by the Dutch colonial power to support Dutch colonization in Irian Jaya. In 1965, OPM attempted to sabotage efforts by the United Nations Secretary-General's representative in West Irian, Mr. Ortiz Sanz to bring about the process of self-determination by launching armed attacks in the villages of Manokwari, Wghete and Enarotali in Paniai Regency. Mr. Ortiz Sanz went to the Regency and appealed 'to the population to act within the framework of law and order so that the basic conditions for the act of free choice might be preserved.' (para. 156; annex I, doc. A/7723).

"These facts have been effectively concealed by Jean McLean and the International Commission of Jurists. It is therefore rather easy for Indonesia to understand why the Australian Section of the International Commission of Jurists invited the OPM, a violent group of people who have sytematically used terror and other human rights violations in its method of work, to provide the so-called 'recommendations' in its report. The Australian Section of the International Commission of Jurists has indeed done a great disservice to its reputation.

"This has led the Government of Indonesia to wonder what is the real motivation of Jean McLean and Australian Section of the International Commission of Jurists. The suggestion that there strong racist feelings on the part of one ethnic group against another, specifically the Irianese, in Indonesia, and that due to these racist attitudes the people in Irian Jaya are tortured, arbitrarily detained and extrajudicially executed, is indeed sickening and totally unacceptable.

"As you are aware, Indonesia is one of the most diverse nations in the world, with a population of 190 million consisting of 350 ethnic groups speaking 583 languages and embracing five religions. It is clear that Indonesia, if it wants to maintain its unity and harmony, is the last country in the world to harbour racist attitudes. Indonesia cannot afford to be a racist society or allow racism, which in some countries is permitted on the pretext of freedom of expression, to prevail. It would be extremely foolish to condone the practice of racism or

religious intolerance in a society like Indonesia, for the logical consequences of such attitude or policy would be a fatal fratricidal conflict among 190 million people, a tragedy which would probably be much more horrible than the one that took place in Rwanda, a nation with a population of 9 million.

"Objective foreign observers have commented positively on Indonesia's diversity. For example, Professor Lawrence Sullivan, Director of the Study of World Religions at Harvard University, stated that 'Indonesia has created a situation in which people from diverse religious and cultural backgrounds can live in harmony. This is something that cannot be found in countries in Europe or North America'.

"No less than the International Commission of Jurists has stated in one of its books (Rights of the Child, 1993) that 'despite a wide variety of ethnic, racial, religious and other socio-cultural groups throughout the archipelago, Indonesians live in a non-discriminative environment. Successful efforts have been made by the Government to realize equality among them in nation building'. The Australian Section of the International Commission of Jurists has done great disservice to the reputation of the International Commission of Jurists.

"It is not only necessary that Indonesia build a strong national identity based on tolerance among the various ethnic groups, races and religions living in the country, but it is also a fact that tolerance is one of the fundamental principles that gave birth to Indonesia itself. These principles are also part of the mandate contained in the 1945 Constitution. The Preamble to the Constitution states, among other things, that 'the State of Indonesia ... shall protect all the people of Indonesia and their native land'. It also states that 'the national independence of Indonesia shall be formulated into a constitution of the sovereign Republic of Indonesia which is based on the belief in the One and Only God, just and civilized humanity, the unity of Indonesia, democracy guided by the inner wisdom of deliberations amongst representatives and the realization of social justice for all the people of Indonesia'.

"In this connection, it is also worth mentioning some of the articles of the Constitution bearing on the issue of tolerance. Article 18 of the Constitution stipulates that the social structure of all regions shall be respected by the Government and its regulations. Article 32 elucidates the State's recognition of all cultural life in all regions as part of the national culture. Article 36 states that the languages of all ethnic groups in Indonesia are to be preserved and recognized as part of the Indonesian culture.

"It is the common responsability of both government and society in Indonesia to respect diversity and cultivate tolerance. Providing youths with education on tolerance among ethnic, religious and cultural groups at all levels of schooling is among the Government's chief successes in promoting tolerance. The principle of just and civilized humanity is understood by children in elementary school, junior and senior high school and university as a principle, among others, in

recognizing that all human beings are equal; to care for each other; to develop tolerance; to uphold humanity. Moreover, the principle of the unity of Indonesia is recognized, among others, as a principle in advancing the efforts of each and every Indonesian to promote diversity and unity.

"In a country of such diverse ethnic, racial and religious composition, and which has as its motto 'Bhineka Tunggal Ika' or 'Unity in Diversity', racism or xenophobia is simply untenable. As a matter of fact, I [the Permanent Representative of Indonesia] sometimes wonder whether others should learn about tolerance in our country, so that Indonesians, fellows Asians, Africans, Latinos or others who come from developing countries will not experience the racist attitudes of some segments of society in some developed nations that claim to be the champions of human rights, including that nation in which the source of the allegations originated.

"During the deliberations on agenda item 108, entitled 'Racism and racial discrimination' at the fifty-first session of the United Nations General Assembly, the Indonesian delegation again supported the work of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia. Indonesia also made it clear that lack of adequate resources had in fact prevented the implementation of the 1994-1995 biennial Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. Indonesia also expressed its deepest concern at the fact that the focal point established for the Programme of Action has been dismantled. Here in Geneva, the situation is also threatening whereby the proposed new structure of the Centre for Human Rights based on the proposition of a large American consultancy firm supported by Western powers, if implemented, will effectively remove the focal point on racism in the Centre for Human Rights.

"It is our belief that we should work together to eradicate racism, as well as all attempts aimed at frustrating the endeavours of the international community to eradicate racism."

3. Special Rapporteur's observations

119. The report from Jean McLean and the International Commission of Jurists and the clarifications from the Government of Indonesia on specific allegations of human rights violations are available for consultation in the Secretariat.

J. Israel

1. Communication dated 2 February 1996

120. According to information received by the Special Rapporteur, it has been the Government's secret policy for years to discard the blood donations of Ethiopian Jews for fear of AIDS.

121. Government officials confirmed this information after the newspaper Ma'ariv published a photograph of a bag of blood with this handwritten notation on its tag: "do not use because he is from Ethiopia".

122. It has been alleged that Mr. Zvi Ben Yishai, the Deputy Director of Haifa's Ramban Hospital and Chairman of the Government-run National Aids Committee, defended the policy in an interview as "justified for the protection of the public" because, he said, Ethiopian immigrants have as much as 50 times the incidence of AIDS as other Israelis. But Mr. Yoram Lass, a member of Israel's Parliament and former Director General of the Health Ministry, described the screening policy as "racist and unfounded scientifically".

123. It has also been reported that needlessly large numbers of Ethiopian children in elementary school are placed in classes for the learning-disabled and that teenage Ethiopians are largely schooled in vocational tracks that prepare them for society's least rewarding jobs.

124. A majority of Ethiopians are housed in grim trailer parks in distant "development towns", and their religious leaders are not recognized by the government-sponsored rabbinate.

2. Reply from the Government of Israel by a letter dated 26 February 1996

125. The Government of Israel has provided a detailed account of the situation of the Falasha in Israel. Part of the information was published in the Special Rapporteur's report to the General Assembly at its fifty-first session (A/51/301, paras. 34 and 35).

3. Special Rapporteur's observations

126. The Special Rapporteur is still awaiting the conclusions of the Commission established to consider the question of blood donations by the Ethiopians, as promised by the Government of Israel in its communication.

K. India

Communication dated 20 December 1996

127. The attention of the Special Rapporteur has been drawn to the situation of the untouchables in India. 27/ In view of the complexity of the issue, he plans to carry out preliminary studies in consultation with the Government of India, the parties concerned and in conjunction with the Committee for the Elimination of Racial Discrimination, before undertaking a field mission if appropriate. He has informed the Indian authorities of his intention.

L. Italy

1. Communication dated 23 December 1996

128. According to information received, "a high proportion of ill-treatment by law enforcement officers continued to concern people of non-European ethnic origin". In this context, two cases were brought to the attention of the

Special Rapporteur. One is that of a Ghanaian citizen who was beaten by police officers at Leonado Da Vinci International Airport at Fiumicino while in transit between Denmark and Ghana; another is the case of a woman, an Italian citizen of Nigerian origin, who alleged that police officers had physically assaulted her and that there was a "xenophobic" aspect to their behaviour. She claimed that when she stated that she was an Italian citizen she was told that a "black woman cannot be an Italian citizen".

2. Special Rapporteur's observations

129. As in similar cases which he has brought to the attention of the Government of Italy (see A/51/301, para. 8), the Special Rapporteur hopes that the Italian authorities will once again cooperate in helping to clarify these matters so that he may inform the Commission at its next session, in March 1997.

V. CONCLUSIONS AND RECOMMENDATIONS

130. Once again, the Special Rapporteur finds that racism and racial discrimination persist in various regions of the world both in their structural, economic and social form and in the form of xenophobia. Theories of racial inequality are raising their head while at the same time modern communication technologies, especially the Internet, are being perniciously employed to foment racial hatred, xenophobia and anti-Semitism.

131. In earlier reports the Special Rapporteur made a number of recommendations which have been approved by the General Assembly and the Commission. He would like to see them translated into action, in particular in the fields of education in human rights, acceptance of others, and tolerance for the sake of peace.

132. He nevertheless wishes to reiterate his recommendation (a) to convene a world conference on racism, racial discrimination and xenophobia, with the question of immigration and xenophobia appearing on the agenda; and (b) to consider action at the international level - beginning studies, research and joint action immediately - over the use of the Internet as a vehicle for racist propaganda.

133. Lastly, the Special Rapporteur would appreciate it if, as the General Assembly recommended yet again in its resolution 51/79, the resources he requires to discharge his mandate were made available.

Notes

1/ The Governments of the following States have replied: Germany, Cyprus, Cuba, Estonia, Israel, Morocco, Mexico, Turkey, Ukraine, and Kuwait; the following non-governmental organizations have provided information to the Special Rapporteur: Amnesty International, American-Arab Anti-Discrimination Committee, Consultative Council of Jewish Organizations, International Federation of Human Rights, Human Rights Watch, International Commission of Jurists and International Helsinki Federation for Human Rights.

2/ See E/CN.4/1994/66, paras. 32 to 45; A/49/677, paras. 18 to 50.

3/ See, A/49/677 and A/50/476.

4/ See report of the United Nations Seminar to assess the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/1997/68/Add.1).

5/ A/51/301, para. 21.

6/ See also A/50/476, paras. 155 to 157.

7/ Newsweek, 25 November 1996, pp. 48 to 50.

8/ Amnesty International, United States of America. Police brutality and excessive force in the New York City Police Department, June 1996 (AI INDEX: AMR 51/36/96).

9/ Amnesty International, USA: The Death Penalty in Georgia: Racist, Arbitrary and Unfair, June 1996, (AI INDEX: AMR 51/25/96).

10/ Anti-Defamation League, The Web of Hate. Extremists Exploit the Internet, New York, 1996; Simon Wiesenthal Center, Hate Mayhem and Terrorism on the Internet. A Special Report prepared for the United Nations Centre for Human Rights, September 1996.

11/ Note dated 31 July 1996 from the Permanent Mission of Turkey to the United Nations Office at Geneva.

12/ Centre for Equal Opportunities and Opposition to Racism, Rapport annuel, Brussels, 1995, p. 7.

13/ Anti-Defamation League, The Web of Hate, op. cit., p. 40.

14/ American-Arab Antidiscrimination Committee, 1995 Special Report on Anti-Arab Racism. Hate Crimes. Discrimination and Defamation of Arab Americans, Washington D.C., 1996.

15/ Op. cit., p. 11.

16/ Communication from the American-Arab Anti-Discrimination Committee dated 10 July 1996.

17/ Communication dated 12 September 1996 from the Permanent Mission of Israel to the United Nations Office and other International Organizations at Geneva, containing a study by the University of Tel Aviv into anti-Semitism throughout the world in 1995. For further information, see also Tel Aviv University, The Anti-Defamation League, The World Jewish Congress, Anti-Semitism Worldwide 1995/96, Tel Aviv, 1996; Institute for Jewish Policy Research and American Jewish Committee, Anti-Semitism. World Report 1996, New York, 1996.

18/ Human Rights Watch, Children of Bulgaria. Police Violence and Arbitrary Confinement, New York, Washington, September 1996, pp. 32 and 33.

19/ Amnesty International, Concerns in Europe, January-June 1996, p. 35.

20/ Press release dated 8 June 1996 by Human Rights Watch, on the occasion of the publication of the report Roma in the Czech Republic: Foreigners in Their Own Land, New York, Washington, 1996.

21/ Communication, dated 1 October 1996, from the Standing Advisory Commission on Human Rights.

22/ Communication dated 8 July 1996 from the Ministry of Foreign Affairs of the Republic of Estonia.

23/ Communication dated 23 July 1996 from the Permanent Mission of Cyprus to the United Nations Office at Geneva and Specialized Agencies in Switzerland.

24/ Communication dated 8 August 1996 from the Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva and International Organizations in Switzerland.

25/ See note 11 above.

26/ Communication dated 15 October 1996 from Michael Dodson, Commissioner for Social Justice for the Aborigines and the Torres Strait Islanders; communication dated 20 November 1996 from Mr. Geoffrey Atkinson, National Solicitor, National Aboriginal and Islander Legal Services Secretariat. See too, "L'Australie est secouée par une vague de xénophobie anti asiatique", (Australia swept by a wave of anti-Asian xenophobia), Le Monde, 18 December 1996, p. 4.

27/ Communications dated 14 and 29 June and 9 August 1996 from the Ambedkar Centre for Justice and Peace; communication dated 31 October 1996 from the World Council of Churches; communication dated 1 November 1996 from the Dalit Liberation Education Trust.